

Senate Bill 487

By: Senators Wiles of the 37th and Hill of the 32nd

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 2 of Title 9 of the Official Code of Georgia Annotated,
2 relating to general provisions applicable to actions, so as to ensure that legislative enactments
3 do not create a private right of action unless expressly stated in the legislation; to provide for
4 a short title; to provide for legislative purpose; to provide for an effective date and
5 applicability; to provide for related matters; to repeal conflicting laws; and for other
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 This Act may be known as and may be cited as the "Transparency in Lawsuits Protection
10 Act."

11 **SECTION 2.**

12 The purpose of this Act is to ensure that any legislative Act in this state shall not create a
13 private right of action unless such right is expressly stated in the legislation.

14 **SECTION 3.**

15 Article 1 of Chapter 2 of Title 9 of the Official Code of Georgia Annotated, relating to
16 general provisions applicable to actions, is amended by adding a new Code section to read
17 as follows:

18 "9-2-8.

19 Any legislation enacted in this state creating a private right of action shall contain express
20 language providing for such right. Courts of this state shall not construe a statute to imply
21 a private right of action in the absence of such express language."

SECTION 4.

This Act shall become effective on July 1, 2008, and shall apply to any action filed with respect to any state statute heretofore or hereinafter enacted; provided, however, that this Act shall not operate to bar a cause of action pending on or arising prior to July 1, 2008.

SECTION 5.

All laws and parts of laws in conflict with this Act are repealed.